

**STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
MEETING MINUTES**

July 16, 2015

Department of Behavioral Health and Developmental Services

1220 Bank Street

Richmond, VA 23219

Thursday, July 16

REGULAR MEETING

Members Present

Gretta Doering; Thomas J. Kirkup; Sandra Price-Stroble; Col. (Ret.) Anthony Soltys; Paula N. Mitchell; Sandra A. Hermann; The Hon. Amelia Ross-Hammond, Ph.D.; Calendria Jones

Members Absent

James Reinhard, MD

Staff Present

Debra Ferguson, PhD, Commissioner
Kathy Drumwright, Chief Deputy Commissioner
Jack Barber, Medical Director
Will Frank, Legislative Affairs Director
Marion Greenfield, Director, Quality and Risk Management
Dee Keenan, Assistant Commissioner, Quality Management & Development
Meghan McGuire, Assistant Commissioner for Policy & Public Affairs
Holly Mortlock, Policy Director
Maria Reppas, Communications Director
Becky Sterling, Recovery Services Director

**Call to Order and
Introductions**

At 10:00 a.m. Ranking Member Gretta Doering, Acting as Chair, called the meeting to order and called for introductions of those present.

Approval of Agenda

The Board unanimously adopted the July 16, 2015 meeting agenda.

Officer Elections

The Chair passed the gavel to Thomas Kirkup to preside over the meeting during the officer nomination and election process. Thomas Kirkup accepted the gavel and presented the slate of candidates. The Nominating Committee recommended Paula Mitchell for Chair. The Board unanimously approved Paula Mitchell for Chair for the upcoming term. The nominating committee recommended Tony Soltys as Vice Chair. The Board unanimously appointed Tony Soltys for Vice Chair for the upcoming term.

**Commissioner's
Report**

Commissioner Ferguson welcomed the Board and presented an update on a variety of topics, including DBHDS' current efforts in applying for the SAMHSA Excellence in Mental Health Act grant for certified community behavioral health clinics (CCBHCs). The commissioner also provided an update on plans and actions following CMS' determination that the Hancock Geriatric Treatment Center at Eastern State Hospital does not meet the federal definition of a nursing facility. The commissioner responded to questions on the presentation from Board members.

Chair Paula Mitchell motioned that the Board convene for a closed meeting pursuant to Virginia Code section 2.2-3711(A)(7) for the purposes of a briefing by the Commissioner pertaining to United States v. Commonwealth where such briefings in open meeting would adversely affect the negotiating or litigating posture of the public body. The Board requested that DBHDS Staff Debra Ferguson, Meghan McGuire, Will Frank, Kathy Drumwright, Jack Barber and Dee Keenan participate in the closed meeting because their presence was necessary and aided in the Board's consideration of this matter. The motion was seconded with no objections and the Board convened in closed session. At the conclusion of the briefing, audience members returned and the Chair stated that the Board is reconvening in open session.

The chair stated the Board must certify that to the best of each member's knowledge (i) only public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed, or considered during the closed session. The Chair asked that if any Board member believes there was a departure from these requirements that, in his or her judgment, had taken place. No Board members made a statement of departure. A motion was made on certification and passed unanimously.

Approval of Draft Minutes

The Board reviewed the draft minutes of the April 22, 2015 meeting. The minutes were approved.

Public Comment

The Chair called for public comments. No comments were offered.

Medical TDO Update

Jack Barber, M.D., DBHDS Medical Director, provided a comprehensive update on medical temporary detention order (TDO) legislation passed in the 2015 General Assembly Session and responded to questions from Board members.

Office of Recovery Services

Becky Sterling, Director of the Office of Recovery Services, provided an update on the new DBHDS Office of Recovery Support Services, including the new office's efforts to implement the Virginia Peer Support Certification process, grandparenting, and provide training.

Regulatory Actions

Dee Keenan, Assistant Commissioner, Quality Management & Development, and Marion Greenfield, Director, Quality and Risk Management, provided an update on the status of current regulatory action, including licensing regulations, human rights regulations, Individual and Family Services (IFSP), sterilization victims compensation, and Part C.

Ms. Keenan and Ms. Greenfield also presented proposed emergency regulations to the Board on the Victim Compensation (Virginia Eugenical Sterilization Fund) and requested they be fast-tracked. There was a motion

to approve the regulations. Board member Sandy Hermann asked for a point of discussion and expressed concerns in the Claims for Compensation section C. a. regarding an “unexpired” driver’s license. The motion to approve the regulations was withdrawn for staff to get more information on why “unexpired” was added and whether changing that verbiage would derail the fast-track process. The Board voted unanimously to pick the issue back up in the afternoon upon receipt of more information.

Staff presented the Board with a petition for rulemaking from S.S. A motion was made to deny the petition. The motion to deny was unanimously passed.

Lunch Break

The Board took a break for lunch.

Recognition of Dr. Ananda Pandurangi

During the lunch break, Chair Paula Mitchell presented immediate past Chair Dr. Anand Pandurangi with a letter of resolution honoring him for his eight years of service on the BHDS State Board.

Reappointment of SHRC Members

Deb Lochart, Director of the Office of Human Rights, presented the individuals up for reappointment to the State Human Rights Committee. There was a motion made to reappoint the members and the motion was unanimously passed.

Virginia Eugenical Sterilization Fund

Marion Greenfield returned with information that the Board could make the following change:

12 VAC 35-240-30 Claims for compensation

C. a. ~~Unexpired~~ state issued driver’s license.

As a result, a motion was made to strike “unexpired” and approve the proposed regulations. The Board passed the motion unanimously.

VACSB Report

Jennifer Faison, Executive Director of the Virginia Association of Community Services Board, provided an update on VACSB activities.

Virginia Eugenical Sterilization Fund

Chair Paula Mitchell reminded the Board that their previous motion on the proposed eugenical sterilization fund regulations did not specifically include approval to fast-track the regulations as was discussed during the morning session. There was a motion to approve fast-track. The Board unanimously passed the motion to fast-track the regulations.

Liaison Assignments & Liaison Reports

Board members presented reports of their Board activity since the April Board meeting. Sandy Hermann participated in meetings about waiver redesign and SIS training, Amelia Ross-Hammond attended a town hall meeting in Williamsburg, Sandra Price-Stoble attended two transformation town hall meetings, visited Mt. Rogers CSB and attended an SJ 47 meeting, Paula Mitchell attended the town hall meeting in Wytheville, visited Mt.

Rogers CSB and continues to work with Blue Ridge Behavioral Health and Catawba, Tony Soltys presented his liaison report.

Miscellaneous

Meghan McGuire, Assistant Commissioner for Policy & Public Affairs, presented the most recent Board budget and discussed dates for 2016 Board meetings. Board members agreed on the following dates:

2016 Schedule: Wednesday, April 27, 2016; Wednesday, July 13, 2016; Wednesday, October 5, 2016; and Thursday, December 1, 2016.

In addition, the board agreed to change the December 8, 2015 meeting to December 2, 2015 but only if this change was convenient for the absent Board member, Dr. Reinhard.

**Next Meeting
Information**

The Board decided to hold its October 8, 2015 meeting in Charlottesville. The Board agreed that those members who were interested and available would attend the VACSB conference on October 7.

Adjournment

Having no further business to discuss the meeting adjourned at 2:30 p.m.